

PATENT  
Docket No. 249.0007 0101IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED  
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JAN 10 2006

Applicant(s): Dominic COSGROVE ) Group Art Unit: 1644  
Serial No.: 10/698,121 ) Examiner: Maher M. Haddad  
Confirmation No.: 8958 )  
Filed: 31 October 2003 )  
For: INDUCIBLE LIGAND FOR  $\alpha 1 \beta 1$  INTEGRIN AND USES

FACSIMILE TRANSMISSION TO THE PTO

Mail Stop Amendment  
Commissioner for Patents  
Attn: Examiner Haddad  
P.O. Box 1450  
Alexandria, VA 22313-1450

FAX NUMBER: (571) 273-8300  
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- ☒ Response to Restriction Requirement (3 pgs)  
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Mueting, Raasch & Gebhardt, P.A.  
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By: Nancy A. Johnson  
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Printed Name: Kelly J. Mueting

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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement mailed 16 December 2005, Applicant elects, with traverse, Group II (claims 3, 5, 10-11, 15, 21, and 25), drawn to a method of treating a patient having a chronic inflammatory disease with a blocking agent wherein the blocking agent is an antibody. In consideration that Group II is elected (with traverse), Applicant further elects the species of renal fibrosis. Applicant reserves the right to pursue examination of the non-elected claims in continuation or divisional applications.

Applicant acknowledges the Examiner's identification of claims 1, 2, 6-8, 12, 13, 17-19, 22, and 23 as linking claims, linking the inventions of Groups I and II (page 2, Restriction Requirement mailed December 16, 2005). However, Applicant respectfully submits that claims 3 and 11 are to be included in this listing of linking claims, as both are drawn to a method comprising administering an agent. Further, Applicant respectfully submits that linking claims 1-3, 6-8, 11-13, 17-19, 22, and 23 link the inventions of not only Groups I (wherein the agent is a peptide) and Group II (wherein the agent is an antibody), but also link the invention of Group III (wherein the agent is a small inhibitory RNA).

**Response to Restriction Requirement**

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According to MPEP § 809, "linking claims must be examined with, and thus are considered part of, the invention elected. When all claims directed to the elected invention are allowable, should any linking claim be allowable, the restriction requirement between the linked inventions must be withdrawn. Any claim(s) directed to the nonelected invention(s), previously withdrawn from consideration, which depends from or requires all the limitations of the allowable linking claim must be rejoined and will be fully examined for patentability." Thus, Applicant submits that linking claims 1-3, 6-8, 11-13, 17-19, 22, and 23 (drawn a method comprising the administration of an agent) are to be fully examined, in their entirety, in the next Office Action. Applicant respectfully submits that the examination of linking claims 1-3, 6-8, 11-13, 17-19, 22, and 23 is not to be limited in scope to the elected invention of Group II, wherein the agent is an antibody.

Applicant respectfully requests reconsideration and withdrawal or modification of the restriction requirement. It is respectfully submitted that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner. That is, all the claims are so interrelated that a search of one group of claims will reveal art to the others. In particular, it is requested that Group I be rejoined with Group II.

Applicant respectfully submits that the rejoinder of Group I (claims 3-4, 9, 11, 14, 20, and 24; drawn to method of treating a patient having a chronic inflammatory disease with a blocking agent wherein the blocking agent is a peptide) would pose no undue burden on the Examiner. Applicant, therefore, respectfully requests rejoinder of the non-elected claims in Groups I with those in Group II.

Were restriction to be effected between the claims of Groups I-VII, a separate examination of the claims in these seven groups would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I-VII would have to be as rigorous as when only the claims of Group II, for example, were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of

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different categories are so interrelated. Further, Applicant submits that for restriction to be effected between the claims in Groups I-VII, it would place an undue burden by requiring payment of six separate filing fees for examination of the nonelected claims, as well as the added costs associated with prosecuting six applications and maintaining seven patents.

The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number if prosecution of this application may be assisted thereby.

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10th day of January, 2006, at 1:45 pm (Central Time).

Signature: [Signature]  
Printed Name: Reilly J. McNulty

January 10, 2006  
Date

AMM/NAJ/kjm

Respectfully submitted

By

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